Customer No. 24498
Attorney Docket No. SCP061792 US
Office Action Date: December 26, 2007

Remarks/Arguments

Claims 1-19 are pending. Claims 1-19 stand rejected.

Claims 8 and 12 have been amended to more clearly and distinctly claim the subject matter that applicant regards as the invention. No new matter is believed to be added by the present amendment.

Rejection of claims 8 and 12 under 35 USC 103(a) as being indefinite.

Claims 8 and 12 have been amended herein substantially as suggested by the Examiner in order to clarify the antecedence.

Rejection of claims 1-3, 5-10, and 12-19 under 35 USC 103(a) as being unpatentable over Feinleib et al. (US Pat No 2005/0166257, hereinafter Feinleib) in view of Killian (US Pat No 6,163,316).

Applicant submits that, for at least the reasons discussed below, claims 1-3, 5-10, and 12-19 under 35 USC 103(a) are patentably distinguishable over the teachings of Feinleib in view of Killian.

Applicant's claim 1 recites "a module for recording and playing digital sequences of digital-television programs." The Office Action points to the program memory 56 of Feinleib as showing this feature.

Applicant respectfully disagrees because a study of Feinleib, Paragraph 58 reveals that the memory 56 in Fig. 2 is not related to recording and playing digital sequences of digital-television programs. As described in Paragraph 58 of Killian this memory holds software programs or modules. "Each program is stored in program memory 56... These software components are described below in more detail with reference to FIG. 3." Thus, Feinleib makes clear that software programs are stored in the memory and there is no suggestion at all of the claimed features of: "a module for recording and playing digital sequences of digital-television programs."

Applicant's claim 1 further recites "an execution module suitable, at the request of a user, for launching the playing of the digital sequences relating to said television program thus recorded."

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In the Office Action it is asserted that the features are shown in Feinleib. For example, the Office Action is equating the video control program Fig. 2, 78 and paragraph 75 with the directly above features of claim 1. However, paragraph 77 of Feinleib clearly states that the receiver passes the streaming content to video control 78 in an HTML page 72.

This is different from the claimed invention because claim 1 recites launching the playing of the digital sequences relating to said television program thus recorded. Feinleib's video control is receiving the streaming content from the receiver, whereas applicant claims the digital sequences....thus recorded. As pointed out above, Feinleib does not even teach the recording of digital sequences.

Furthermore, there is not even a suggestion that the video control 78 launches the playing of the digital sequences thus recorded.

For at least the foregoing reasons it is respectfully submitted that the elements which the OA relies upon Feinleib as teaching, are completely lacking in Feinleib and in the combination of references. Therefore, the combination of references fails to teach or suggest all the features of claim 1 and the rejection should be withdrawn.

In addition, claim 1 includes: "initialization and marking information relating at least to the start and to the end of a chosen television program, as well as to the reception/extraction of the digital sequences relating to said television program, and for comparing said initialization and marking information with the television digital stream originating from the demultiplexer/extractor module" (emphasis added).

It is admitted in the Office Action that portions of the above features are not found or suggested in Feinleib. The Office Action turns to Killian col. 17, lines 43-56.

A review of Killian reveals that the claimed features are not found or suggested in the cited column. Killian apparently describes a comparison of input information, such as a program identifier or viewer profile, with program listings in a database (col. 17, lines 43-50).

Nothing in Killian suggests that the input information, such as a program identifier or viewer profile includes at least the start and to the end of a chosen television program.

In contrast applicant claims comparing said initialization and marking information with the television digital stream. Killian fails to teach or suggest this feature because in

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Killian the comparison of is input information, such as a program identifier or viewer profile, with program listings in a database. The input information is completely different from the claimed initialization and marking information.

Killian does state in col. 17, lines 44-45 that recording information is generated from the comparison to control a recorder 20, such as start time and stop time. However, there is absolutely no teaching of comparing the recording information with the television digital stream, the recording information is simply controlling the recorder 20. Thus, in Killian it is the recording information that includes the start and stop times, which is generated after a comparison, therefore applicant's claim terms are not found in Killian.

The combination of references fails to teach or suggest the processing module and again the rejection should be withdrawn.

For at least the foregoing reasons, each of the independent claims 1, 16 and 17 and their respective dependent claims include at least some of the distinguishing features discussed above. Each of the dependent claims includes further distinguishing features. Thus, the rejection of each of the claims should be withdrawn.

In addition, with regard to claim 17, the claimed software application is embodied on a computer readable medium such as a CD-ROM, DVD, etc. Thus, the software application can be sent over a communication network and can likewise be available on a computer readable medium.

Rejection of claim 4 under 35 USC 103(a) as being unpatentable over Feinleib, Killian and in view of Wistendahl et al. and the rejection of claim 11 under 35 USC 103(a) as being unpatentable over Feinleib, Killian and in view of Ellis et al.

Because claims 4 and 11 include at least the features discussed above with respect to claim 1, the independent claim from which claims 4 and 11 ultimately depend, the rejection should likewise be withdrawn since Wistendahl and Ellis fail to teach any of the features lacking in the combination of Feinleib in view of Killian with regard to claim 1 as discussed above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance.

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Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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